

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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5 AFSHIN BAHRAMPOUR,

6 Plaintiff,

7 vs.

8 UNITED STATES OF AMERICA, *et al.*,

9 Defendants.

Case No. 2:16-cv-00985-GMN-VCF

**REPORT & RECOMMENDATION**

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11 This matter involves Plaintiff Afshin Bahrapour's civil action against the United States of  
12 America, the Central Intelligence Agency, the National Security Agency, and other defendants. (ECF No.  
13 1-2). The action was commenced on May 2, 2016. The court reviewed Mr. Bahrapour's complaint  
14 under 28 U.S.C. 1915(a) and recommended that it be dismissed with prejudice. (ECF No. 2). On May 9,  
15 2016, the court ordered Mr. Bahrapour to show cause why he should not be declared a vexatious litigant  
16 on or before May 23, 2016. *Id.*

17 A party may file specific written objections to the findings and recommendations of a United States  
18 Magistrate Judge made pursuant to Local Rule IB 1–4. 28 U.S.C. § 636(b)(1)(B); LRIB 3–2. Upon the  
19 filing of such objections, the court must make a *de novo* determination of those portions of the report to  
20 which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings  
21 or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3–2(b). On May  
22 18, 2016, Mr. Bahrapour filed an objection to the Magistrate Judge's order and report &  
23 recommendation. (ECF No. 3). However, Mr. Bahrapour did not address the order to show cause.  
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1 Mr. Bahrapour was also ordered to appear on June 6, 2016, and show cause why he should not  
2 be deemed a vexatious litigant. (ECF No. 2). Mr. Bahrapour did not appear. Mr. Bahrapour did not  
3 respond or object to the magistrate judge's portion of the order to show cause and has not requested an  
4 extension of time to respond. The deadline to show cause has now passed. Given Mr. Bahrapour's  
5 failure to respond as ordered and for the reasons stated in the May 9, 2016 order and report &  
6 recommendation (ECF No. 2), Afshin Bahrapour should be declared a vexatious litigant and be barred  
7 from filing any further actions in this court without first obtaining permission.

8 ACCORDINGLY, and for good cause shown,

9 IT IS RECOMMENDED that Afshin Bahrapour be deemed a VEXATIOUS LITIGANT.

10 IT IS FURTHER RECOMMENDED that Mr. Bahrapour should be enjoined from filing any  
11 further action or papers in this court without first obtaining leave of the court. In order to file any papers,  
12 plaintiff must make application for leave and the paper shall bear the caption "Application Seeking Leave  
13 to File."

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15 IT IS FURTHER RECOMMENDED that the application be supported by a declaration by  
16 Bahrapour stating: (1) that the matters asserted in the new complaint or papers have never been raised  
17 and disposed of on the merits by any court; (2) that the claim or claims are not frivolous or made in bad  
18 faith; and (3) that he has conducted a reasonable investigation of the facts and investigation supports his  
19 claim or claims. A copy of this order shall be attached to any application. Failure to fully comply with  
20 this order will be sufficient grounds for denial of the application.

21 IT IS FURTHER RECOMMENDED that the Clerk of Court be authorized to reject and refuse to  
22 file, and/or discard any new complaint, petition, document on a closed case, or any other document  
23 submitted in violation of this Order.

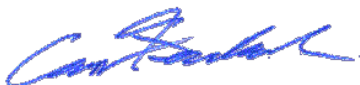
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**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.** See LSR 2-2.

DATED this 6th day of June, 2016.

  
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CAM FERENBACH  
UNITED STATES MAGISTRATE JUDGE